AVERY METREJEAN,	§ .
Petitioner,	8 8
versus	§ CIVIL ACTION NO. 1:10-CV-589
JODY R. UPTON,	8 8 8
Respondent.	8 8

EASTERN DISTRICT OF TEXAS

UNITED STATES DISTRICT COURT

MEMORANDUM ORDER OVERRULING OBJECTIONS AND ADOPTING THE MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION

Petitioner Avery Metrejean, an inmate confined at the Federal Correctional Institution in Beaumont, Texas, proceeding pro se, filed this petition for writ of habeas corpus. The court referred this matter to the Honorable Keith F. Giblin, United States Magistrate Judge, for consideration pursuant to applicable laws and orders of this court.

The respondent has filed a motion for summary judgment. The magistrate judge has submitted a Report and Recommendation of United States Magistrate Judge concerning the motion. The magistrate judge recommends the motion be granted.

The court has received the Report and Recommendation of United States Magistrate Judge, along with the record, pleadings, and all available evidence. Petitioner filed objections to the Report and Recommendation.

The court has conducted a *de novo* review of the objections asserted by petitioner. After careful consideration, the court is of the opinion that the objections are without merit. For the reasons set forth in the Report and Recommendation, petitioner failed to exhaust his administrative remedies prior to filing his petition.

ORDER

Accordingly, petitioner's objections are **OVERRULED**. The findings of fact and conclusions of law of the magistrate judge are correct, and the report of the magistrate judge is

ADOPTED. The respondent's motion for summary judgment is **GRANTED**. A final judgment shall be entered dismissing the petition.

SIGNED at Beaumont, Texas, this 9th day of August, 2012.

Marcia A. Crone.

MARCIA A. CRONE

UNITED STATES DISTRICT JUDGE